



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AES/DCP/DKK
F.#2014R00501

*271 Cadman Plaza East
Brooklyn, New York 11201*

November 28, 2017

By E-mail

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Re: United States v. Evan Greebel
Criminal Docket No. 15-637 (KAM)

Dear Counsel:

In response to your request that the government identify any rebuttal experts, the government respectfully submits this letter to inform you of four rebuttal experts that the government may call in a rebuttal case, if the government decides to present such a case. Because the defendant has not decided whether to present a case, which witnesses to call in such a case, which previously disclosed opinions its experts will offer, and whether it will attempt to elicit any new or materially altered opinions from any defense experts, the government cannot state the specific opinions to be offered by its potential rebuttal experts with more specificity than is provided below at this time.¹

I. Professor John C. Coffee, Jr.

Professor John C. Coffee, Jr. is the Adolf A. Berle Professor of Law at Columbia University Law School and Director of its Center on Corporate Governance. He is a Fellow at the American Academy of Arts and Sciences and has been repeatedly listed by the National Law Journal as among its "100 Most Influential Lawyers in America." Professor Coffee has served as a Reporter to The American Law Institute for its Corporate Governance Project, has served on

¹ As noted in the government's post-hearing brief related to proffered defense expert Alan Johnson, Johnson's testimony at the Daubert hearing regarding opinions he might offer at trial differed in significant ways from the opinions disclosed by the defense, even accounting for the caveat that Johnson's analyses apparently were "ongoing." See Dkt. No. 451.

the Legal Advisory Board to the New York Stock Exchange, and was a member of the SEC's Advisory Committee on the Capital Formation and Regulatory Processes. Professor Coffee is the author or editor of several widely used casebooks on corporations and securities regulation, including Coffee and Sale, Securities Regulation: Cases and Materials (13th ed. 2015); Choper, Coffee and Gilson, Cases and Materials on Corporations (8th ed. 2013); and Klein, Coffee, and Partnoy, Business Organizations and Finance (11th ed. 2010). His books include Coffee, Entrepreneurial Litigation: Its Rise, Fall, and Future (Harvard University Press 2015); Coffee, Gatekeepers: The Professions and Corporate Governance (Oxford University Press 2006); Coffee, Lowenstein, and Rose-Ackerman, Knights, Raiders and Targets: The Impact of the Hostile Takeover (Oxford University Press 1988); and Ferran, Moloney, Hill and Coffee, The Regulatory Aftermath of the Global Financial Crisis (Cambridge University Press 2012). According to recent surveys of law review citations, Professor Coffee is the most cited law professor in law reviews over the last fifteen years in the combined corporate, commercial, and business law field.

Based upon the defendant's current expert disclosures, the government anticipates that Professor Coffee would address one or more opinions offered by Craig Lewis and/or Stephen Ferruolo, and would base his testimony on his training and experience, as well as applicable legal or regulatory principals, rules, and guidance, and (if necessary) his review of documents related to this matter.

II. Professor M. Babajide (Jide) Wintoki

Professor M. Babajide (Jide) Wintoki is an Associate Professor of Finance at the University of Kansas, School of Business and a Visiting Economist at the Securities and Exchange Commission, Division of Economic and Risk Analysis. Professor Wintoki's resume is enclosed.

Based upon the defendant's current expert disclosures, the government anticipates that Professor Wintoki would address one or more opinions offered by Craig Lewis, and would base his testimony on his training and experience, applicable regulatory rules and guidance, a review of documents underlying Lewis's opinions (as produced by the defendant), and (if necessary) his review of other documents related to this matter.

III. Maxwell A. Clarke

Maxwell A. Clarke is a Financial Economist at the Securities and Exchange Commission, Division of Economic and Risk Analysis. Mr. Clarke's resume is enclosed.

Based upon the defendant's current expert disclosures, the government anticipates that Mr. Clarke would address one or more opinions offered by Craig Lewis, and would base his testimony on his training and experience, applicable regulatory rules and guidance, a review of documents underlying Lewis's opinions (as produced by the defendant), and (if necessary) his review of other documents related to this matter.

IV. Professor Bruce A. Green

Professor Bruce A. Green is the Louis Stein Chair at Fordham Law School, where he directs the Louis Stein Center for Law and Ethics. He teaches and writes primarily in the areas of legal ethics and criminal law, and is involved in various bar association activities. Currently, Professor Green is a Council member and past chair of the American Bar Association (“ABA”) Criminal Justice Section, serves on the Multistate Professional Bar Examination drafting committee, and is a member and past chair of the NY State Bar Association’s Committee on Professional Ethics. He previously served on the ABA Standing Committee on Ethics and Professional Responsibility, was the Reporter to both the ABA Task Force on Attorney-Client Privilege and the ABA Commission on Multijurisdictional Practice, and co-chaired the ethics committee of the ABA Litigation Section and Criminal Justice Section. Since joining the Fordham faculty in 1987, Professor Green has engaged in various part-time public service, including as a member of the NYC Conflicts of Interest Board, as a member of the attorney disciplinary committee in Manhattan, as Associate Counsel in the office of the Iran/Contra prosecutor, and as a consultant and special investigator for the NYS Commission on Government Integrity. Previously, Professor Green was a federal prosecutor in the Southern District of New York, where he served as Chief Appellate Attorney, and he was a judicial law clerk to Justice Thurgood Marshall and Circuit Judge James L. Oakes.

Based upon the defendant’s current expert disclosures, the government anticipates that Professor Green would address one or more opinions offered by Stephen Gillers, Stephen Ferruolo, and/or Ronald Minkoff, and would base his testimony on his training and experience, as well as applicable legal or ethical principles, rules, and guidance, and (if necessary) his review of documents related to this matter.

Respectfully submitted,

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cc: Clerk of the Court (KAM) (by email)